

Council of Juvenile Services
October 18-19, 2006
Brandon, SD
Meeting Minutes

Wednesday, October 18th, 2006

Council members arrived at the Minnehaha County Juvenile Detention Center for a tour of the facility beginning at 1:00 PM, Central Time. Todd Cheaver, JDC Administrator, led the tour.

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, JC Chambers, Victor Erlacher, Doug Herrmann, Karen Jeffries, Susan Randall, Ella Rae Stone, Gib Sudbeck, Virgena Wieseler, Grant Walker, Nancy Allard, Beth O'Toole, and Janine Kern.

Council of Juvenile Services Members Absent: Dave Nelson, Joanna Vitek

Others Present: Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from DOC

1. WELCOME, INTRODUCTIONS, and REVIEW OF AGENDA

Chair Carol Twedt called the meeting to order at 3:10 PM. Introductions were made and new member Virgena Wieseler was welcomed. Wieseler shared her background with the council. The agenda was reviewed with no changes recommended.

2. APPROVAL OF CJS MEETING MINUTES FROM MAY 18-19, 2006

Karen Jeffries moved to approve May 2006 meeting minutes, Doug Herrmann seconded. Motion carried.

3. MINNEHAHA COUNTY JDC DISCUSSION

Chair Twedt mentioned the tour of the Minnehaha County Juvenile Detention Center that members participated in prior to the start of today's meeting. Twedt shared the praise of the County Commissioners toward the practice of the JDC and then council members expressed their thoughts and opinions.

4. CJS MEMBERSHIP UPDATE

Kevin McLain reviewed the most recent reappointments of three years to the CJS: Mike Leidholt, Doug Herrmann, Susan Randall, and Janine Kern. Three new appointments have been made which include: Virgena Wieseler, who replaces Sharon Sonnenschein; Nancy Allard replaces Keith Bonenberg; and Joanna Vitek replaces Doug Thrash.

McLain and Kirschenman are still working on recruiting youth members. They have asked for recommendations from CJS members, DOC Juvenile Division, UJS, and teen courts and diversion programs. Kirschenman is now working on contacting South Dakota Universities for recommendations of potential youth members. Beth O'Toole suggested that Kirschenman also contact the counselors at the Universities. Janine Kern offered to contact Carla LeVeque, Administrator of the Western South Dakota Juvenile Services Center in Rapid City to see if she had any suggestions. Gib Sudbeck offered to contact the drug and alcohol program staff at the University of South Dakota to see if they could recommend any potential youth members. McLain reminded the council members that the CJS is in need of three new members, and two need to have had some experience with the juvenile justice system.

5. BUDGET STATUS

McLain began with reviewing the budget for the FY03 Formula Grant, which ends June 30, 2007. A handout was provided showing projections through March 2007. Those items with a negative balance will be taken care of by shifting funds at the end of the budget period; therefore there shouldn't be a need to return money to the federal agency when this grant expires June 30th.

McLain provided a resource handout for the FY04, FY05, and FY06 Formula Grant. He recommends the council spend three years of federal funds in two years, and when the two years is done, there will be an additional two years worth of funding available. Spending for '04, '05, and '06 will begin in April 2007 and should be completed by March 2009. There is no action needed from the council at this time, as this issue will be brought before the CJS early next year for a motion and approval.

McLain moved on to review the FY04, FY05, and FY06 JABG Grant handout. The council previously determined that the JABG category of money labeled “spend on behalf of” would be spent on teen court and diversion programs. The DOC category of money is used for Intensive Family Services (IFS) for children and families that are involved with DOC. McLain and his staff are in the process of wrapping up FY03 JABG, so Kirschenman is working with the various teen court and diversion projects on an application process for funding. Chair Twedt commended McLain on his budget work and requested more line items under the program categories on his handouts. McLain said this is definitely something he can do.

6. COMPLIANCE

Joy Erlenbusch gave an update on the following compliance topics:

- ◆ Requirements, SD Practices and Facilities

Erlenbusch gave a summary of the core requirements that are monitored under the Juvenile Justice and Delinquency Prevention Act (JJDP). There are three requirements that have standards for demonstrating compliance, which include Deinstitutionalization of Status Offenders (DSO), Jail Removal, and Separation. The fourth core requirement is Disproportionate Minority Contact (DMC) which does not have a mandatory number of requirements.

- ◆ Compliance Data

Erlenbusch summarized the status of South Dakota regarding the core requirements that are monitored under the JJDP. Data presented included those admissions from facilities during calendar year 2005. South Dakota has numbers low enough and plans in place to be found in compliance.

- ◆ FY05 Compliance Problems and Responses

Erlenbusch presented a short summary of the incidents that resulted in compliance violations by facility. In response to violations, Erlenbusch sent out letters and conducted site visits. Additional site visits will be completed during 2006 for all locations that held juveniles during 2005.

Erlenbusch was commended by the council on her recent completion of SD’s Compliance Monitoring manual and SD’s model report.

- ◆ Compliance Monitoring Committee

Erlenbusch provided an update on the County Reimbursement Program including funds spent to date and work of the Facility Administrators Workgroup, which is looking at standards for juvenile detention centers in South Dakota.

- ◆ Reimbursement Program and SCRAM Recommendations

Erlenbusch reviewed the handout that outlines the new recommendations from the Compliance Monitoring Committee. Recommendations include 1) increasing the amount reimbursable to counties in order to aid in the costs of detention, shelter care and transportation {Detention will change from \$100 to \$120 per day based on actual costs; Shelter Care will change from \$85 to \$100 per day based on actual costs; and transporters wage will change from \$9.00 per hour to \$10.00 per hour}; 2) Authorize DOC to work with UJS in implementing SCRAM Monitoring as an alternative to placing juveniles in custody for alcohol-related offenses; 3) Authorize DOC to purchase SCRAM Monitoring units using JABG and Formula Grant Funds; 4) Authorize DOC to cover the costs of SCRAM Monitoring for juveniles that have a demonstrated history of alcohol related offenses.

Susan Randall moved to approve the cost changes in recommendation #1; Gib Sudbeck seconded. Mike Leidholt recused from voting. Motion carried. This change will become effective January 1, 2007.

Erlenbusch explained SCRAM (Secure Continuous Remote Alcohol Monitoring System), and associated costs, expenses, and projections. The Department of Corrections would cover the costs of SCRAM Monitoring, for juveniles that have a demonstrated history of alcohol related offenses, at a rate of \$4.30 per day, with a cap of 30 days total: as a condition of home detention in the pre-dispositional phase; as a response to alcohol related probation violations; or as an alternative to placement pending adjudication or dispositional hearings. If approved, DOC will begin working with UJS to begin implementation of the program. Discussion ensued. ***Mike Leidholt moved to buy and manage 30 units as recommended in #2, #3, and #4 on the handout; Janine Kern seconded. Motion carried.*** Sudbeck requested that Chair Twedt talk to Attorney General Long about the CJS’s approval of SCRAM as an alternative to detention for youth on aftercare and commit to supporting Long on his effort of seeking long-term funding from the SD Legislature.

CJS members completed an anonymous Juvenile Justice System tally to determine the number of current members who have had experience with the juvenile justice system. Ten members indicated ‘no’, while three members indicated ‘yes’.

7. FACILITY STANDARDS UPDATE

The Legislative Ad Hoc Committee developed and evolved into the Facility Standards Committee and has met twice so far. This group makes recommendations to the CJS for review and approval. ***Randall moved to disband the Ad Hoc Committee and ensure the Facility Standards group designates a chairperson, and bring recommendations to the CJS; Doug Herrmann seconded. Motion carried.***

CJS discussed funding \$4000 for the group to hold quarterly meetings to address detention standards, compliance issues, and facility collaboration. They also discussed funding \$5,000 to be used for training of juvenile detention center facility staff. ***Janine Kern moved to approve \$5000 requested for training and to strike the words 'annual' and 'four' (regarding the allocation and the number of trainings); JC Chambers seconded. Motion carried.***

Discussion ensued on recommendation number one. ***Mike Leidholt moved to approve this recommendation with striking the words 'annual' and 'quarterly'; Beth O'Toole seconded. Motion carried.***

8. JUVENILE JUSTICE RECORDS COMMITTEE DRAFT LEGISLATION

McLain explained this committee, the goals, concerns, and committee member representation. Technical assistance was sought and approved, and provided by the Child Welfare League of America to assist with drafting legislation on sharing child welfare records as required by the JJDP Act of 1974 as amended. The committee has completed a draft piece of legislation and will seek the approval of the CJS in November/December. There are three main points when this information will be particularly helpful: at the temporary custody hearing, at the time of disposition, and for treatment planning purposes by DOC if the child is committed. In addition, DOC records would be made available to DSS and the courts.

Kern added that the committee is working out a couple snags, and then DOC would be submitting this legislation in the legislative process. McLain asked CJS to authorize DOC to put in a marker for legislation, the committee would keep working on the issues, and then request the CJS Executive Committee to approve the final draft. ***Janine Kern so moved with the option of the legislation being revised/pulled as needed with the Executive Committee approving the final version, Mike Leidholt seconded. Motion carried.***

9. WORKING DINNER

◆ FACJJ REQUEST FOR INFORMATION

The Federal Advisory Committee on Juvenile Justice requested states submit answers to their annual survey to be used in their report to the OJJDP, the President and to Congress. South Dakota's information was completed and submitted on line by the deadline of October 10th. Kern requested that CJS members let her know if there are any additions to what was submitted and she would then take them with her to the upcoming FACJJ meeting. Gib Sudbeck requested that the wording be revised to make the services co-occurring and capable. ***Mike Leidholt moved that Judge Janine Kern take these recommendations with her to the upcoming FACJJ meeting, Beth O'Toole seconded. Motion carried.***

◆ LIFE WITHOUT PAROLE

Judge Janine Kern explained that 37 states reported to FACJJ's Request for Information and over half of these states list DMC as their top issue. She added that the FACJJ recommended the federal government work with OJJDP Administrators and other agencies to develop standards. The FACJJ voted to do away with the juvenile death penalty. The recommendation is for Congress to enact federal legislation regarding sentences for juveniles under 18 years of age at the time of their offense and also to evaluate the option of parole. Kern asked for the direction of CJS, discussion ensued. Leidholt suggested that Kern strongly oppose this issue. McLain said he feels it should be researched more.

Meeting adjourned for the evening at 8:10 PM.

Thursday, October 19th, 2006

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, JC Chambers, Victor Erlacher, Doug Herrmann, Karen Jeffries, Susan Randall, Ella Rae Stone, Gib Sudbeck, Virgena Wieseler, Grant Walker, Nancy Allard, Beth O'Toole, and Janine Kern.

Council of Juvenile Services Members Absent: Dave Nelson, Joanne Vitek

Others Present: Secretary Tim Reisch, Kevin McLain, Jodi Kirschenman, and Joy Erlenbusch from DOC

10. WELCOME and REVIEW OF AGENDA

Chair Twedt called the meeting to order at 8:04 AM, CDT and reviewed the agenda. Gib Sudbeck mentioned for informational purposes, the need for recognizing Tribal programs by the Division of Alcohol and Drug. He said the word needs out so that the programs are accessed.

Introductions were made.

11. DMC UPDATE – INTERVENTION UPDATES & FUNDING APPROVAL

Erlenbusch provided an update on DMC, overrepresentation, and the FY04 data. She then explained the DMC recommendations on New Intervention Strategies (provided on separate handout by Erlenbusch). Erlenbusch recommended 2007 funding be approved for all sites based on successful completion of 2006 projects (as listed in DMC Update sheets). Discussion ensued. ***Ella Rae Stone moved to approve the four projects for this year for Rapid City and Sisseton, Victor Erlacher seconded. Motion carried.*** Randall added information on the number of applicants received under the Sisseton proposal.

Susan Randall summarized the work of the DMC Committee and the proposals they reviewed for the Native American Cultural Training Program. ***Susan Randall moved to authorize the DOC to establish a contract with Project Solutions, Inc. for an amount up to \$39,955 based on actual costs to provide Native American Cultural Education Training, Beth O'Toole seconded. Discussion ensued. Motion carried with one opposition.***

Second year funding recommendations was discussed for local intervention strategies. ***Mike Leidholt moved to authorize the DOC to establish second year funding (April 2007 through March 2008) for Sioux Falls, Rapid City and Sisseton projects for up to \$200,000 for two years, Judge Janine Kern seconded. Motion carried.***

Discussion took place on the compulsory school age requirement for youth. Currently South Dakota public schools require youth to attend school until the age of 16 while seven Tribes in SD require youth to remain in school until age 18. ***Susan Randall made a motion from yesterday's DMC committee that The DMC committee recommends the CJS contact the Governor's Office regarding planned action on compulsory attendance to age 18 and express support for this as a DMC intervention strategy, Beth O'Toole seconded. Discussion ensued, motion carried.*** DOC will write a letter that contains empirical data and which tribes it effects, and CJS Chair Carol Twedt will sign it.

Randall then shared another motion from yesterday's DMC Committee. ***Randall moved that the DMC Committee recommends that the CJS release the DMC data in a summary fashion through a statewide press release and provide a link to the data on the DMC website.*** Randall said she realizes the DMC committee does not have the authority to do a press release, but they want this information disseminated in a public way that people will understand the extent of the issue and begin to discuss it and seek ways to resolve it. McLain believes this is an ideal time to do this, so this would not be a problem. Judge Janine Kern asked that representation from the three DMC Committees be invited to the next CJS meeting. After discussion, it was determined that a motion is not needed for this, but that this press release will be completed.

12. JUVENILE JUSTICE TRIBAL ADVISORY GROUP UPDATE

Ella Rae Stone, TAG Chair, summarized the TAG's most recent meeting, the TAG's previous recommendations, a new recommendation, and provided an update on the progress of the TAG. She provided a handout that outlines this information. Stone indicated that they've held four meetings to date this year, however the TAG is requesting (New Recommendation #1 on handout) a no-cost change to the contract for support of the TAG from four to five meetings in calendar year 2006 in order to accommodate the TAG's meeting with and presentation before the Aberdeen Area Tribal Chairman's Health Board on November 29-30 in Rapid City. ***Mike Leidholt moved to approve this recommendation of holding five meetings in 2006 instead of four, Judge Janine Kern seconded. Motion carried.***

13. NATIVE AMERICAN PROGRAM UPDATE / NEXT NAP APPLICATION FOR TRIBES

Kirschenman explained the status of her site visits to the Tribes that have been approved for NAP funding, with the exception of Rosebud. Kirschenman has not had luck with getting in contact with Rosebud's new grant contact, but will continue to try. She then updated the Council on the status of the six Tribes that were approved for second year funding and their activity/non-activity with the current NAP program. Crow Creek contacted Kirschenman about DOC reimbursing Northern Plains Intertribal Court of Appeals directly instead of reimbursing the Tribe and them turning around to reimburse Northern Plains. Kern recommended that if this is a viable option, that DOC run this past DOC Legal first.

The NAP application for third year funding has been sent out to all nine Tribes with a due date of December 31st. ***Judge Janine Kern moved to approve \$30,000 per Tribe for all nine Tribes to be accessed over two years, JC Chambers seconded. Motion carried.*** The NAP Supplemental application was also sent out November 1st with a due date of December 31st in case one or more of the nine eligible Tribes chooses to not apply for their \$30,000. Kirschenman will update the Council at their next meeting on which Tribes applied and those that did not.

14. PROBATION SERVICES PROGRAM UPDATE

Kirschenman reviewed the handout enclosed in the meeting materials packet outlining the circuits that have accessed funding through this program, the amount accessed to date, and examples of services. Kern asked for clarification on services that counties are responsible for in order to utilize this money. Nancy Allard provided clarification and said she will advise the circuits on suitable services. Allard thanked the Council for the dollars provided under this program. Sudbeck then explained case management services that are available in Rapid City and Western South Dakota. Discussion ensued on needed services and allowable services.

15. SYSTEMS IMPROVEMENT SUBGRANTEE REVIEW

Kirschenman gave an overview of the systems improvement site visits that were recently conducted and updated the Council on the status of each subgrantee's budget and their sustainability for future funding. The subgrant is set to end March 31st. McLain explained that two of the subgrantees have requested additional funding until they have sustained future funding. These two entities are Lewis and Clark Behavioral Health Care's Connecting Point Project, and Lifeway's Reconnecting Youth project. Connecting Point is requesting funding at their current level through June '08 at which time Court Services will have general funds set aside for this program. Lifeway requests \$25,000 for the next calendar year. They need more time to gather supporting data that will show the progress and impact of their program in order to get full funding from local sources. Allard commended the Connecting Point program and said she is in the process of requesting general funds. Kern commended Lifeway and the impact that this program has made on youth and families it serves. ***Judge Karen Jeffries moved to fund Connecting Point's budget of \$138,000 through June 2008, and Lifeway's budget of \$25,000 through December 2007, Victor Erlacher seconded. Mike Leidholt requested to amend the motion to extend Capital Area Counseling's budget through the current school year if needed, instead of ending March 2007, Judge Karen Jeffries seconded. Motion carried.***

16. DIVISION OF MENTAL HEALTH GRANT & SYSTEMS OF CARE UPDATE

Kirschenman reviewed the program updated included in the packet. The Division of Mental Health has approved 112 families through their family support program with the largest number of referrals coming from Rapid City, Huron and Watertown. The remaining balance in their budget as of June 2006 is \$98,116.

Doug Hermann and Virgena Wieseler provided information on Systems of Care. Four upcoming trainings conducted by John Vandenberg will take place in Rapid City, Sioux Falls, Watertown and Pierre. The trainings will be held late November/early December and include orientation, information and experience on implementation. Herrmann will email CJS members additional information on these training sessions.

17. INTENSIVE RESIDENTIAL TREATMENT

Wieseler informed the CJS that Clinicare Corporation out of Wisconsin was awarded the contract, through a competitive RFP process, to provide licensed intensive residential treatment services at the facility in Plankinton. The 66-bed facility will be called 'Aurora Plains Academy'. Clinicare's plans are to begin hiring and training staff and furnishing the buildings in November and December with the goal of admitting youth in January of 2007. Lutheran Social Services received the other contract to serve 18 male and female youth with chronic, severe mental health issues. These in-state services will help eliminate placing youth out of state for services. Kern asked the DOC and UJS to look at the option of providing services in Plankinton by referral and paying for the service out of the court's budget, or would she have to remand youth to the DOC?

18. SYSTEMS IMPROVEMENT COMMITTEE PLANS

McLain explained the progress of the Systems Improvement Committee and how the committee did a great job with suggesting significant improvements in the system. However, it's time to take a look at next steps with this committee since there is not money available for new grants. Kern expressed her satisfaction with the work they've accomplished in two years, but suggests a smaller group be formed under the CJS with representatives from DOC, UJS, DSS, and Mental Health to develop a pilot project on wrap around / case management services. Discussion ensued. Judge Janine Kern moved to form a local committee in Rapid City tasked to determine the best options for serving high risk families, and to bring back the pilot project for consideration of the CJS at their next meeting, Victor Erlacher seconded. Discussion ensued; Gib Sudbeck said he believes this can be done under existing programs. Kern withdrew her motion. Further discussion ensued. ***Judge Janine Kern moved that the Systems Improvement Committee remain dormant. Motion dies for lack of a second.*** This issue will be put on the next CJS agenda under "services for high risk families" and will be tabled until the next meeting.

19. JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM – FUNDING TEEN COURT/DIVERSION PROGRAMS UPDATE

McLain talked about funding teen court and diversion programs under the JABG grant and referred to the handout provided in the packet. Subgrant applications have been sent out to local teen court and diversion programs that were previously funded with JABG dollars, which is consistent with the direction of the CJS. The applicants can not apply for more money than what they were getting with FY03 JABG money. McLain asked for CJS to allow DOC staff to approve the subgrant applications as they are received. ***Mike Leidholt moved to approve the amounts as outlined and for staff to approve them as they come in, Beth O'Toole seconded. Motion carried.***

20. COMMITTEE MEMBERSHIP ADJUSTMENTS

McLain mentioned the need for new CJS members to be appointed to a current committee. New members and others are to let Jodi Kirschenman know what committee(s) they want to be appointed to or changed to so that staff can work on completing this task.

21. OLD BUSINESS

Randall gave a status update on the 2007 Juvenile Justice Symposium, which is scheduled for September 27-28, 2007 at the Pierre Ramkota. A planning committee has not been developed yet, so this will be put on the January CJS meeting agenda.

22. NEW BUSINESS

Randall explained the Juvenile Corrections Monitor legislation that will be introduced by SDVC in the upcoming legislative session. The legislation will require the monitor to report to the CJS and for a report to go to the Chief Justice. The legislation would also extend the responsibility of the monitor to placements outside of DOC facilities. Sudbeck encouraged Randall to inform the Secretary of the Department of Human Services of this.

23. SCHEDULE NEXT MEETING

The next meeting is set for January 11th in Pierre from 10am – 3pm, CT.

24. WRAP-UP and ADJOURN

The meeting adjourned at 12:08 PM, CT. ***Judge Karen Jeffries moved to adjourn; Doug Herrmann seconded. Motion carried.***